

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN C. BRINKLEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:05-CV-1543-HEA
)	
RANDY MARTIN, et al.,)	
)	
Defendants.)	

ORDER AND MEMORANDUM

This matter is before the Court upon its own motion. Plaintiff filed the instant action on September 22, 2005, while he was a pretrial detainee at the Crawford County Jail. Plaintiff filed a "Motion to Proceed without Prepayment of Costs"; however, he did not submit a prison account statement [Doc. #1]. On November 8, 2005, plaintiff advised the Clerk of Court that he was no longer in custody, and that he was residing in Kansas City, Missouri. Under these circumstances, the Court will grant plaintiff twenty days in which to submit a "Motion to Proceed without Prepayment of Costs" and "Financial Affidavit - CJA 23," as set forth below.

In accordance with the foregoing,

IT IS HEREBY ORDERED that the Clerk of Court shall provide plaintiff with the court forms entitled "Motion to Proceed without Prepayment of Costs" and "Financial Affidavit - CJA 23."

IT IS FURTHER ORDERED that plaintiff shall have twenty (20) days from the date of this Order to pay the statutory filing fee of \$250.00, or to submit a fully completed and signed "Motion to Proceed without Prepayment of Costs" and "Financial Affidavit - CJA 23."

IT IS FURTHER ORDERED that if, within twenty (20) days from the date of this Order, plaintiff fails to pay the filing fee or fails to submit a fully completed and signed “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23,” the case shall be dismissed, without prejudice.

IT IS FURTHER ORDERED that if plaintiff timely submits a “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23,” the Clerk shall cause this case to be resubmitted to the Court for review under 28 U.S.C. § 1915.¹

Dated this 9th day of November, 2005.

A handwritten signature in black ink, appearing to read "Henry Edward (Richy)".

UNITED STATES DISTRICT JUDGE

¹If plaintiff pays the filing fee, he will be responsible for serving the summons and complaint upon the defendants. See Fed. R. Civ. P. 4(d). Service must be made within 120 days of the filing of the complaint (in the instant case, within 120 days of the payment of the filing fee). See Fed. R. Civ. P. 4(m). Plaintiff is advised that he may seek guidance on serving the defendants from the Office of the Clerk.